

REMARKS

No claims have been amended or added. Claims 13, 16, 17, 19, 20, 41 and 42 have been canceled in order to simplify the issues for appeal.¹ Claims 28, 30, 32, 33, 35, 36, 38-40 and 43-46 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

The following rejections have been rendered moot by the cancellation of claims 13, 16, 17, 19, 20, 41 and 42: the rejection of claims 13, 16, 17, 19 and 20 under 35 U.S.C. § 112, first paragraph; the rejection of claims 13, 16, 19 and 20 under 35 U.S.C. § 102 as being anticipated by the Eggers '443 patent; the rejection of claim 17 under 35 U.S.C. § 103 as being unpatentable over the combined teachings of the Eggers '443 and Avitall '297 patents; and the rejection of claims 41 and 42 under 35 U.S.C. § 103 as being unpatentable over the combined teachings of the Eggers '443 and Desai '198 patents. Accordingly, the amendment should be entered in accordance with 37 C.F.R. § 1.116(a) and MPEP 714.12 and 714.13.

It is respectfully submitted that the claims in the application patentably distinguish over the cited and applied references and are in condition for allowance for the reasons discussed in the response filed June 29, 2001. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

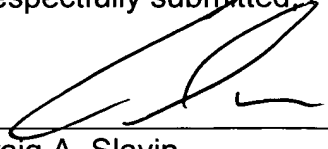
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such

¹ Because the 35 U.S.C. § 112 issues associated with claims 13, 16, 17, 19 and 20 (as well as claims 41 and 42 which depend from claim 16) appear to be more form than

fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

Respectfully submitted,

12/19/01
Date



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substance, applicant will simply re-file a slightly modified version of these claims in a continuation application.